

NOTICE TO ADVERTISERS.

On and after November 1st all advertisements intended to appear in the local columns of the HERALD will be inserted at the following rates:

One insertion.....15c. per line
Insertions for any period over one day and under one month.....10c. per line per day
One month.....\$2 per line

COMMERCIAL.

Corrected Daily by McCormick & Co.

SILVER.

Salt Lake, 1.11 1/2 per ounce.
New York, 1.12 1/2 per ounce.

LEAD.

Salt Lake, \$55 per ton.
New York, 5.05c. per pound.

Weather Report.

War Department, Division of Telegrams and Reports for the benefit of Commerce and Agriculture.

SALT LAKE CITY, Oct. 30 '82.

	8.30 a.m.	8.40 a.m.	12.40 p.m.	9.00 p.m.
Barometer.....	29.80	29.85	29.85	29.85
Thermometer.....	40	41	44	43
Humidity.....	42	43	47	50
Direction wind.....	W	0	SE	SE
Miles per hour.....	8	0	8	4
State of Weather.....	Cloudy	Sunny	Sunny	Fair
Rainfall for 24 hours.....	.00 of an inch.			
Maximum Thermometer.....	48.			
Minimum Thermometer.....	33.			

J. CRAIG, Sg't Sig. Corps, U.S.A.

DEW DROP.

The neatest saloon in town. The best of liquors and finest cigars. All kinds of drinks mixed to perfection—ala mode, ala Causer, ala Fuge, and ala publico. We are glad to see our friends, and have no objection to adding to the list. Call and see us.

M. L. CAUSEY,
A. FUGUE.

FIRKIN BUTTER for sale at John W. Snell's, Idaho Store.

FALL STYLES HATS arriving daily at DUNFORD'S.

Challenge Accepted.

The Deseret Wing Club will meet the Salt Lake Club in a friendly match on Thursday, Nov. 9th, at Buhring's, State Road, at 12 a.m. Six men on each side, for \$20 to each man—fifteen birds each—Bogardus rules to govern. This will show that the boys do not calculate to give their guns away.

H. ROSE, President.

THE REV. GEO. M. THAYER, of Bourbon, Ind., says: "Both myself and wife owe our lives to SHILOH'S CONSUMPTION CURE." Sold by Z. C. M. L. Drug Store. (9)

TUFTS & NYSTROM, at 87 and 89 Main Street, will furnish you with the best brands of WINES, LIQUORS and CIGARS, at the Most Reasonable Prices.

School Suits.

A handsome stock of Boys School Suits just opened and offered at very reasonable prices at L. GOLDBERG'S.

CHOICE HAMS, Breakfast and Dry Salt Bacon, at NEEDHAM & SPRINGER'S.

Holland Bulbs.

Messrs. Hiram Sibley & Co., the celebrated seedsmen and florists, of Chicago, Ill., and Rochester, N. Y., have issued their fall catalogue of bulbs. It is especially full and complete in the list of varieties offered, and the instructions for culture have been prepared with special reference to the requirements of amateurs, by a distinguished horticulturist. The bulbs are grown by an experienced grower, and one of the finest stocks ever imported. Sibley & Co. are among the most reliable houses in the country.

Overcoats.

and Ulsters, THE BEST in the land, at GOLDSMITH & CO.

Fall Millinery.

Ladies are invited to examine my new stock of Fall Millinery Goods. I have an extensive assortment of NOVELTIES at very Low Prices. MRS. M. J. BURROWS, 1258 Kimball Block.

Barratt Bros.

Furniture, Fine Chairs and Lounges, Parlor Work, Reed and Rattan Chairs, Bed Bottoms, Mattresses and Pillows, Shades, Cornice, Lambrequins and Window Fixtures, General Upholstery. BARRATT BROS.

PERSONAL.

Capt. Codman and wife have returned from Soda Springs, and will leave for New York in the course of two or three days.

Mothers Should Know-It

Fretful babies cannot help disturbing everybody, and mothers should know how soothing Parker's Ginger Tonic is. It stops babies' pains, makes them healthy, relieves their own anxiety and is safe to use.—Journal.

THOSE OFFICES.

Judge Hunter Sustains the Demurrer Here.

Judge Emerson Grants the Peremptory Writ at Ogden.

Contrary Decisions from Different Standpoints.

The attorneys in the mandamus cases were notified that on Monday morning Judge Hunter would deliver his decision in the cases which had been argued before him some two weeks ago. When the court opened yesterday morning the attorneys were present, and contrary to general expectation the decision was oral and very brief. It touched on two points only, and these two had not been raised by either side in the discussion of the case. His honor stated that it had not appeared in the petition or affidavits upon which the alternative writ of mandamus had been issued, nor in the reply to the demurrer, that the applicants for the offices in question had filed their bonds with the proper authorities, and had not qualified by taking the oath of office; and until it was affirmatively shown that they had complied with these statutory requirements, he could not instate them. If they had made application for the offices they claimed in the manner prescribed in the statutes, and their tender of bonds had been refused by the parties authorized to accept them, then the remedy of the applicants was by mandamus to compel the officers to perform the duty which it was claimed he had refused to do. The demurrer therefore would be sustained and the application for the writ would be denied.

The attorneys for the applicants excepted to the ruling, and at their request five days' time was allowed them to amend the complaint, to give notice of an appeal, or to take such other steps as they might determine upon. It is not known what course the attorneys for the applicants will pursue; the prevailing opinion, however, seems to be that they will appeal to the Supreme Court of the Territory, which meets on the 18th of next month, and get a decision there. If they should then be ruled out of court on the same grounds as those taken by Judge Hunter, they still have recourse to the remedy announced by the Chief Justice. It is probable, however, that the appellate court will pass upon the several questions involved, in which event the attorneys will know definitely whether the course suggested by Judge Hunter as the proper one, will avail them if pursued. If, on the merits of the case, their application is denied, then to commence proceedings in order to compel the officers to accept the bonds and administer the oath of office would be useless. For these reasons, it is believed an appeal will be taken, instead of the other course of amending. It is not unlikely that the attorneys themselves do not know what they will do yet.

On Monday morning also, Judge Emerson, at Ogden, delivered a decision in the mandamus case of J. N. Kimball vs. F. D. Richards. The Ogden Herald gives the following as the text of the decision, taken by a stenographer:

In this mandamus case I gave some investigation as I have had time. I looked over each authorities as I could reach, both here and in Salt Lake City, and will give a decision, this morning, without very extensive reasons. I have written no opinion upon the case. I have had no idea but what it would be appealed. Then would the time to write an opinion. As the members of the bar who practiced before me know, it is very seldom that I write an opinion.

The first point raised, aside from the point decided by the argument, which may not be mentioned here, is the demurrer, and it is a point to which I have given perhaps as much attention as any, and that is whether this was the remedy or not; whether this was the proper remedy. For these things, of course, you are all familiar with the statute upon relation to mandamus. It may be issued by any court in this Territory, except justices, to compel the performance of an act which the law specially designates as a duty, resulting from an office, trust or station, or to compel the admission of the party to the use and enjoyment of a right or office to which he is entitled, and from which he is unlawfully kept by such tribunal, bar or person. And this writ shall be issued in all cases where there is not an adequate remedy in the ordinary course of the law.

I do not know, nor having given the question thought enough, what force should be given to the latter clause of that section; or compel the admission to the use of an office to which the party is entitled, and from which he is unlawfully kept by any board or corporation. In my view it is not necessary to give my construction upon the clause of said section, although it does seem to me that it would vary somewhat from the common-law use and force of any law on mandamus, that is, it goes further.

While I may state that the general rule is that ordinarily it is not to be used to try the title to an office, but this is where there is some fact in dispute that can be used to settle a contested election, though it cannot be used where there must be a trial. But in the case before me, in the case submitted, there is nothing to decide except a question of law. All the court has to do is to construe the statute and tell what the law is, and what the authorities are. Of course, it was thought that it could not be used where the right is doubtful. Perhaps we cannot say that the law is doubtful, because the law is safe. It is certain that it simply rests upon the court to give expression to the law and to state what the law is. And this is all there is to do in this case. There is nothing set up in the case that requires the trial of any fact, but all depends upon the construction that is to be given to certain statutes; the statute of the Territory in relation to holding over

and what is known as the Hoar amendment. I dismiss these and give it as my opinion that in this case mandamus is the proper remedy.

I have looked over the demurrer carefully and the answer raises no issue. There is no material issue raised in any way in the answer, but it is not necessary for me to determine what force shall be given to the allegation in the complaint that the person now holding the office is a polygamist. At any rate the answer does not raise any issue upon that point. The answer says that since 1862 he has never married another woman and is not a polygamist under the purview of any statutory law of the territory. The answer raises no issue upon the complaint and there is no issue raised in the answer to any other allegation in the complaint.

The relator in this case has set forth his repeated efforts to file his bond and take the oath of office. His bond was drawn as in compliance with the statute, and the oath of office was attached, and some six or six repeated visits made to the residence of the county treasurer with whom the bond was to be filed. He states that he could not find the officer, who was away from home; that he made repeated inquiries among other county officers, and the same answer was given. Upon the last visit he then left the bond with the oath of office with the wife of the treasurer, stating to her what it was, and asking her to deliver it to him, and she stated that it was her custom to deliver official papers to him, and that she would deliver them upon his return. The allegation is that he returned upon the 28th of September and that he has returned no answer in relation to it, and that the bond and oath of office were still in his (the treasurer's) possession as far as he knew. This amounts to a compliance with the statute, and all that was necessary for him to do, and the last day of his return was some days before the proceedings commenced, and the only answer of denial is that he did not return till the 29th. Of course, it is not material.

Upon the whole view of the case I have determined to grant the peremptory writ for the remedy and demanding delivery of such articles as are mentioned in the petition.

Of course, now, I have simply, briefly and summarily given my views without going into any argument.

After the announcement of the decision defendant made application for an appeal and stay of proceedings. At 2 o'clock p. m. the court met to hear arguments. Arthur Brown, Judge R. K. Williams, and Judge Harkness argued the case for defendant, and Kimball & Heywood for complainant; at the close of the arguments the court granted the application and fixed the bonds at \$2,000, cost of suit \$200.

What Physicians Say.

SAN LEANDRO, CALIFORNIA.

Dr. R. V. PIERCE, Buffalo, N.Y. Dear Sir—I have employed your "Pleasant Purgative Pellets" in my practice for the last four years. I now use no other alternative or cathartic medicines in all chronic derangements of the stomach, liver, and bowels. I know of nothing that equals them.

J. A. MILLAR, M.D.

Fall specialties, BOYS' SUITS and overcoats from \$3.00 and up. The largest stock in the city. GOLDSMITH & CO.

The Latest.

Our Stock of Fall Goods is arriving daily and embraces all the Latest Styles in Foreign and Domestic Goods, such as Plain and Brocade Plushes, Velvets, Silks, etc.

Our line of Cashmeres is complete and are equalled by none in the market. All our Wool fabrics are exceptionally good, in Style and Quality, this season. Remember our Hosiery stock has always taken the lead, and we still propose to have it do so; our Cashmere Hose are elegant.

All our Trimmings will be found to match our Dress Goods, so don't fail to see them.

Our Cloaks, Dolmans and Circulars embrace all the latest Styles, and the most fastidious can be suited at

WM. JENNINGS & SONS.

ELEGANT BLACK and colored cashmeres, dyed by the celebrated Guillaume, of Paris, are for sale only

At F. AUERBACH & BRO.

LADIES' Misses and Children's Fine and Seasonable Shoes

At DUNFORD'S.

Select Oysters 75 Cents.

W. O. Smith, 818 South Street is receiving Booth's celebrated and old established brand of select oysters fresh every day.

SALMON HAS ARRIVED.

at G. F. BROOK'S.

Querie.

SALT LAKE CITY, Oct. 30, 1882.

Editors Herald:

Do you know if Col. O. J. Hollister has talked all of his audience out of the Opera House yet, or not? I heroically tried to listen as long as he could talk, but near the hour of 11 o'clock p. m. I was obliged to give it up and retire. When I reached the hall it was nearly full of people, going out, while I was coming down stairs, so I looked through the door of the parquette, to see if such was the fact, but alas! he was as industriously and mechanically vacating the seats a few at a time, as he had been from the first.

Yours truly,
Too Much Talk.

PROCLAMATION BY THE GOVERNOR.

TERRITORY OF UTAH,
EXECUTIVE OFFICE, ss.
SALT LAKE CITY.

To all whom it may concern: Know ye: That by virtue of authority in me vested, I, Eli H. Murray, Governor of said Territory, do appoint:

MORGAN COUNTY.

A. D. Shurtliff to be probate judge of Morgan County.

N. O. Hansen to be county clerk of Morgan County.

Ole Gaarder, Jr., Thomas Walker and Jacob Rowman to be selectmen of Morgan County.

Frederick Kingston to be prosecuting attorney of Morgan County.

A. Peterson to be assessor and collector of Morgan County.

Edward W. Hunter to be surveyor of Morgan County.

Conrad Smith to be justice of the peace of Morgan Precinct, Morgan County.

James H. Murphy to be constable of Morgan Precinct, Morgan County.

Leonidas Clark to be justice of the peace of Peterson Precinct, Morgan County.

John Green to be constable of Peterson Precinct, Morgan County.

Frederick Clark to be justice of the peace of Canyon Creek Precinct, Morgan County.

William Dickson to be constable of Canyon Creek Precinct, Morgan County.

Henry Toome to be justice of the peace of Croydon Precinct, Morgan County.

Jacob Mole to be constable of Croydon Precinct, Morgan County.

UNTAH COUNTY.

Isaac Burton, sen., to be probate judge of Uintah County.

G. W. Crouch to be county clerk of Uintah County.

William Ashton to be assessor and collector of Uintah County.

Pardon Dodge to be prosecuting attorney of Uintah County.

J. N. Russell to be sheriff of Uintah County.

Wm. C. Britt to be justice of the peace for Ashley Precinct, Uintah County.

SALT LAKE COUNTY.

J. B. Griffin to be constable of Bingham Precinct, Salt Lake County.

CACHE COUNTY.

Thomas Rowland to be assessor and collector of Cache County.

TOOELE COUNTY.

Theodore Burnmaster to be prosecuting attorney of Tooele county.

UTAH COUNTY.

James S. McBeth to be selectman of Utah County.

BOX ELDER COUNTY.

Elias Wright to be county clerk of Box Elder County.

J. W. Guthrie to be mayor of Corinne City, Box Elder County.

SUMMIT COUNTY.

Thomas Capitt to be justice of the peace of Park City Precinct, Summit County.

James R. Lane to be constable of Park City Precinct, Summit County.

BEAVER COUNTY.

J. H. Dupax to be justice of the peace of Minersville Precinct, Beaver County.

Said appointees to hold the said offices for the term required by law, and they are hereby requested and directed to at once proceed to qualify as required by law, and upon forwarding to the secretary of the Territory evidence of said qualification, the commissions for said several offices will be issued to the said appointees respectively.

In testimony whereof I have hereunto set my hand and caused the great seal of the Territory to be affixed.

Done at Salt Lake City, Utah, the 29th day of October, A.D. 1882.

ELI H. MURRAY, Governor.

By the Governor,

ARTHUR L. THOMAS,

Secretary of Territory.

For Sale.

An elegant hand made Berlin wool Lap Robe. Will be sold at a bargain. Apply to A. C. Smith & Co.'s Drug Store, 154 Main street.

Salt Lake Transfer Company.

On and after this date we will run our Omnibus between hotels and depot. Fare 25c. Carriage fare, 50c. per passenger. Baggage free. We are the only authorized agents to check baggage on trains.

MULLOY & PAUL.

September 7th, 1882.

New Home-Made Goods just Arrived.

Shoulder Shawls, Double Shawls, Single Shawls, Men's Suits, Dress Flannels, Ladies Scarlet Stockings, Ladies Gray Stockings, Navy Blue Twilled Flannel, And a large assortment of Trunks.

John C. Cutler, Agent, Provo Woolen Mills, East Temple street.

CARPETS, LINOLEUMS, Rugs and Oil Cloths, newest designs and prices

At F. AUERBACH & BRO.

MEN'S AND BOYS' Fine Boots and Shoes

At DUNFORD'S.

FOR THE Finest of Teas and Coffees, go to

NEEDHAM & SPRINGER.

AT BEAVER.

S. A. Kenner, Esq., Replies to Judge E. D. Hoge.

(HERALD Special.)

BEAVER CITY, U. T., Oct. 30.

An immense meeting was held here this evening by the members of the People's party. The hall was crowded almost to suffocation, and the affair was a grand success. The meeting was called for the purpose of listening to the reply of S. A. Kenner, Esq., to the speech made here by Judge E. D. Hoge, the preceding Monday night, at a Liberal ratification meeting. The reply was able, complete and exhaustive, the argument occupying an hour and a half. The meeting was enlivened by music from a local brass band, with singing and the like. Short, pithy addresses were also made by other gentlemen who were present, and the utmost applause and enthusiasm prevailed throughout. Daniel Tyler, Esq., president, and R. Maeser were chosen secretary.

The county is good for a big majority for Hon. John T. Caine, the People's candidate.

Given Up by Doctors.

"Is it possible that Mr. Godfrey is up and at work and cured by so simple a remedy?"

"I assure you it is true that he is entirely cured, and with nothing but Hop Bitters; and only ten days ago his doctors gave him up and said he must die!"

"Well-a-day! That's remarkable! I will go this day and get some for my poor George—I know hops are good."

Kid Glove Sale.

We are offering a large lot of Harris' Seamless Kid Gloves at the astonishingly low price of 75cts for three button, and \$1.00 for four button; usual price, \$2.00 and \$2.25. COHN BROS.

Millinery.

We have just received by express an elegant stock of Millinery goods, consisting of Patten, Hats and Bonnets, Feathers, Turbans, etc. They are of the very latest design for fall and winter; also a full line of untrimmed Hats, Bonnets and Turbans in Felts, Beavers, Satin, Velvets, Straw etc. Ladies are respectfully invited to inspect at

MESDAMES BUTTS & BOYAN.

P. O. B. 777. 128 Main street.

REDUCTION in White Shirts at THOS. W. JENNINGS'S.

Donelson Bros.

Announce to-day that their FALL and WINTER Goods have arrived, and are selling rapidly at the VERY LOW prices at which they are marked.

BEST BROGANS \$1.50 per pair, at THOS. W. JENNINGS'S.

Fine Clothing

at bottom prices at GOLDSMITH & CO.

Overcoats.

Leading styles of Overcoats and Ulsters, best make, and sold very cheap, at

L. GOLDBERG'S.

Dress Suits, Business Suits, latest styles at lowest prices, at

L. GOLDBERG'S.

A NICE Assortment of Dry Goods

Notions, etc., at

NEEDHAM & SPRINGER'S.

THE ONLY Exclusive Retail

Druggists in the city. Bevan & Hoyer, 32 First South St.

NEW FRUITS, ALL CLEARED, JUST ARRIVED at G. W. DAVIS'S.

Peruvian Bitters.

A sure cure for Dyspepsia and Biliousness. For sale by all druggists and wine merchants.

A NASAL INJECTOR free with each bottle of Shiloh's Catarrh Remedy. Price 50c. Sold by Z. C. M. L. Drug Store.

USE INSTEAD OF UNWHOLESOME COSMETICS, GLENN'S SULPHUR SOAP, which purifies and beautifies the skin. HILL'S HAIR AND WHISKER DYE, Black or Brown, 50 cents.

EVERY LADY who has examined F. AUERBACH & BRO'S' magnificent stock of Winter Garments for Ladies and Children, admits that their assortment is the largest, their styles the most recherche, and their prices the most reasonable.

BEFORE PURCHASING Winter Clothing for Gents and Boys do not fail to examine our stock for styles and prices both to please you.

F. AUERBACH & BRO.

DIED.

CHADWICK.—In Salt Lake City, October 30th, Charles A. Chadwick aged 39 years and 7 months.

Funeral from his late residence on 1st east between 1st and 2d south streets at 2 p. m. to-day. Friends are respectfully invited.

CHIPS.

October thirty-onth. It looked very much like a snow storm this morning.

The City Council meets in regular session this evening.

Nothing of importance was done at the police court on Monday.

Mrs. Paddock, wife of the Commissioner, started east on Monday.

The People's party hold a ratification meeting in Pleasant Grove to-night.